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JAMES E. WYNNE

August 3, 2006

**VIA CERTIFIED MAIL**

Richard Cicchillo, Jr., Esq.  
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529 Rollins Industrial Drive  
P.O. Box 1150  
Ringgold, Georgia 30736

Delta (Springbok) France, S.A.  
c/o Corporate Service Company  
2711 Centerville Road, Suite 400  
Wilmington, Delaware 19808

Re: Norcold Recall

Dear Mr. Cicchillo and others:

We write on behalf of our client Alcoa Energy Services, Inc. f/k/a Norcold, Inc., formerly a division and subsidiary of the Stolle Corp. n/k/a Alcoa Home Exteriors, Inc., and their ultimate parent corporation, Alcoa Inc. (collectively referred to as "Alcoa")<sup>1</sup>. As previously referenced in correspondence from Pam Leyden dated February 3, 2003, this letter addresses the issue of the defective gas control valves supplied to Norcold, Inc. and its predecessors by Sourdillon, Inc. I have assumed responsibility for this matter from Ms. Leyden who has left our firm.

In Mr. Cicchillo's letter of March 17, 2003, he indicated that the liabilities associated with these products were retained by Delta (Springbok) France, S.A. ("Springbok"). To be sure that this letter is directed to the correct individuals or entities, I have addressed it to

<sup>1</sup> Norcold, Inc. sold all of its assets to NA Acquisition Corp. effective February 6, 1997. Norcold, Inc. subsequently changed its name to Alcoa Energy Services, Inc., while NA Acquisition Corp. is believed to have changed its name to Norcold, Inc. The entity currently known as Norcold, Inc. is the administrator of a recall campaign discussed herein, as the current manufacturer of Norcold refrigerators. Alcoa is contractually obligated to reimburse Norcold, Inc. for costs associated with that recall campaign.

R. Cicchillo, Jr., Esq.  
Sourdillon Inc.  
Delta (Springbok) France, S.A.  
August 3, 2006  
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Mr. Cicchillo, Sourdillon, Inc. and Delta (Springbok) France, S.A. Please advise if this letter should be directed to any other individual or entity.

Ms. Leyden's letter referenced a recall campaign currently underway to replace defective Sourdillon gas valves that were incorporated into various Norcold refrigerator models manufactured between January 1987 and May 1995.<sup>2</sup> The costs incurred by Alcoa in connection with that recall have been in excess of \$4.6 million through March 2006. Such costs include the administration of the recall as well as the actual cost of removing and replacing the defective valves with new valves.

It is our understanding that as of August 7, 2003, based on a letter of that same date from Ms. Leyden to Mr. Cicchillo and James Wynne, it was apparently believed that some additional testing needed to be done to confirm the necessity of the recall. Our recent review of the file revealed no such testing to have been performed since that date and no final conclusion reached as to the request for indemnity.

Our client retained a consultant, Richard O. Lewis of Lewis Engineering & Consulting, Inc., to perform additional testing of the suspect valves in order to determine whether the recalled valves actually leak and thus whether a recall was appropriate. A copy of Mr. Lewis' report is enclosed, including photographic documentation of the testing performed.

Mr. Lewis performed testing of 100 randomly selected valves returned through the recall program to Norcold, Inc. at its plant in Sidney, Ohio. Mr. Lewis' report shows that 21 of the 100 tested valves had gas leaks, and that 15 of those leaks were characterized as severe. Even a slight leak could allow the valve to continue to supply gas to the refrigerator while leaking gas into the rear of the refrigerator compartment if used in a recreational vehicle. All of the valves have been retained and can be made available for further testing if you or your client(s) so desires.

Mr. Cicchillo will recall that Ms. Leyden proposed in her August 7, 2003 letter to have one of the returned units not previously involved in a fire independently tested. The testing of 100 units as performed by Mr. Lewis provides a far more detailed picture with respect to the actual and anticipated failure rate of the valves in question. Moreover, when the results of Mr. Lewis' testing are combined with the materials previously supplied by Norcold, Inc. (related to inadequate levels of anti-ozonant in the rubber gasket in the valve), it is clear that the recall of these valves was and is justified.

Alcoa therefore renews its demand that Sourdillon Inc. and/or Delta (Springbok) France, S.A. indemnify, discharge and hold harmless Alcoa from any costs and expenses associated with the recall of the defective Sourdillon valves, including attorneys' fees. This demand is again made based upon the contracts between Sourdillon and Alcoa and/or its subsidiaries/divisions which were in effect at the time the defective valves were originally

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<sup>2</sup> Model Nos. 442, 443, 452, EV452, 453, 462, EV462, 463, EV463, 482, EV482, 483, EV483, 874 and 875.

R. Cicchillo, Jr., Esq.  
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supplied to Alcoa by Sourdillon. Section 14 of the various purchase orders issued by Alcoa for these defective valves provides:

Seller [Sourdillon] shall defend, indemnify, and hold harmless Purchaser [Alcoa] against all damages, claims or liabilities and expenses (including attorneys' fees) arising out of or resulting in any way from any defect in the goods or services purchased hereunder or from any act or omission of Seller, its agents, employees or subcontractors. This indemnification shall be in addition to the warranty obligations of Seller.

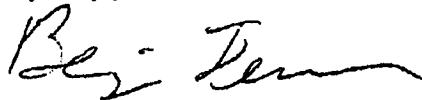
In addition to the costs associated with the recall program itself, Alcoa has incurred several million dollars in defense and settlement costs associated with claims and lawsuits resulting from fires and/or explosions caused by the allegedly defective valves. Additionally, there remain a number of pending claims and lawsuits in which it is alleged that a defective Sourdillon gas valve resulted in a fire or explosion. Alcoa further demands that Sourdillon and/or its successor agree to reimburse those defense and settlement costs incurred to date and to assume responsibility for the defense and indemnity of Alcoa with respect to the pending claims and potential future claims.

If Sourdillon or its successor refuses to assume responsibility for the costs being incurred in connection with the defective valves sold to Alcoa, Alcoa will consider Sourdillon to be in breach of its contractual obligations to Alcoa and it will have no recourse other than to resort to those remedies provided by law and equity to recover the recall campaign costs and past defense and settlement costs. At a minimum, failing satisfactory resolution of this matter, we consider that joining Sourdillon, Inc. and/or Delta (Springbok) France, S.A. as an additional defendant in each pending and future lawsuit would be necessary and prudent.

Please respond in writing within ten days of your receipt of this letter and indicate whether you are willing to work toward a prompt and proper resolution of this matter.

I look forward to hearing from you.

Very truly yours,



Benjamin J. Ferron

Enclosure

cc (w/ encl.): James E. Wynne, Esq.

**REPORT OF FINDINGS:**  
**LABORATORY INVESTIGATION OF SOURDILLON GAS VALVES  
REMOVED VIA RECALL FROM NORCOLD RV REFRIGERATORS**

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**BACKGROUND**

Lewis Engineering and Consulting, Inc., (LEC), Gainesville, Florida, was requested by the law firm of LeBoeuf, Lamb, Greene & MacRae, LLP, Pittsburgh, Pennsylvania to examine two Sourdillon gas control valves that had been removed from Norcold gas/electric RV refrigerators. Information was provided regarding a recall program enacted by Norcold for replacement of all Sourdillon gas control valves installed in Norcold refrigerator Models 442, 443, EV452, 453, EV462, 482, EV482, 874 and 875 manufactured in the period from January, 1987, through May, 1995. Norcold issued recall notices in 2002 to RV owners, dealers and service centers, and distributors announcing the recall program and the affected model refrigerators. The notice advised that a defect in the rubber seal within the valve could result in a leak, and potentially a fire in the recreational vehicle where the refrigerator was installed.

In addition to the two valves and the recall notices, test reports were received for review that contained analytical data from several laboratories. Each laboratory had been submitted examples of Sourdillon gas control valves. The test results were principally chemical analyses of the polymer stem seals addressed in the recall notices.

One of the two valves received by LEC had been removed from a Model 462 refrigerator during a recall replacement in June, 2005. On the outer surface, the valve appeared to be in good condition, and was stamped "94 20" in the aluminum alloy body of the valve. The second had been involved in a fire incident in an RV which was equipped with a Model 462 gas/electric Norcold refrigerator. It appeared darkened by soot on all exposed surfaces. Photographs accompanying that valve were date stamped November 4, 2002. The body of the valve contained a stamp of "90 16."

Upon receipt, both valves were inspected in the LEC laboratory. The fire damaged valve was inspected on the outside only and otherwise left in the as-received condition. The recall valve was inspected and disassembled to allow detailed examination of all component parts of the control valve. Exposing of the lower portion of the regulating stem fitted with the subject polymer seals required drilling of aluminum alloy rivets to allow removal of the stamped steel

**COPY**

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bracket to which is fitted a micro-switch for electric operation control, and the metal diaphragm for temperature regulation via the bulb capillary tube. With those components removed, the regulating stem and lower seal can be visually inspected. It was observed under the light stereo microscope that the lower seal contained a pattern of cracks through the thickness of the seal material.

Based upon a discussion of these findings, the client requested that a protocol be proposed for testing of additional valves that had been removed during the recall program. It had been further reported that a total of 16,620 valves, from a total potential replacement population of 196,255 valves, had been replaced as of May, 2005. In order to develop a test protocol based upon a statistical sampling strategy, LEC was authorized to retain the services of Dr. R.L. Scheaffer, consulting statistician, to assist in development of a sampling protocol.

Dr. Scheaffer's recommendations provided a basis for selecting an initial sample size for testing. Based upon the total number of potential valves affected by the recall and the number replaced as of May, 2005, he recommended a sample size of 800 valves from the total of 16,620 available to insure a margin of error of 3 percent or less.

**VALVE TEST PROTOCOL**

Lewis Engineering proposed to conduct a visual examination and leak pressure test on an initial series of recalled valves. The leak pressure test would be performed by installing a valve in a relatively simple test rig whereby a standard regulated propane gas pressure of nominally 11 inches of water pressure could be applied at the inlet end. A direct current voltage would be applied at the thermocouple input to effect a means of simulating a heated thermocouple input to maintain the primary control valve open. The outlet fitting from the valve would then be connected to a gas manometer to measure exit pressure and allow monitoring for leaks. An AirCheck® Model M-100 pocket propane gas detection instrument would also be used to check for significant gas leaks. Each valve would be photographically documented via still photography during testing and a video camera would be used to fully record the testing process.

Due to logistics of shipping, handling and storing the recalled gas valves, LEC requested that 100 randomly selected valves be sent for an initial round of tests. The test program was authorized and 100 valves were received October 4, 2005 divided into two large corrugated shipping boxes. Each valve was received in a small shipping box that had been employed in the recall program to distribute replacement valves to service centers, and for return of the recalled

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valves to Norcold. A computer monitor generated copy of the warranty claim form accompanied each valve which identified the model and serial number of the refrigerator from which the valve had been removed, the repair date, and a variety of information regarding the RV and the service center where the recall repair was performed.

Lewis Engineering assigned a random valve number to each valve which was recorded on the box, and recorded salient information regarding the refrigerator model, the year of manufacture of the valve stamped in the valve body and the repair date. This information appears in the tabulated test results in **Appendix A**.

**VALVE TEST PROCEDURE**

The following is a detailed description of the test procedure employed for each valve:

1. Connect the inlet and outlet gas lines to the fittings in the valve.
2. Install the thermocouple simulation fitting to allow energizing of the main control valve to maintain it in the open position during testing.
3. Connect a positive electrical lead from a 9 volt battery current limited via a 36 ohm, 50 W precision resistor, to the thermocouple simulation fitting.
4. Connect the negative electrical lead from the 9 volt batter to the case of the valve.
5. Turn on the main valve at the 20 pound propane tank.
6. Push in and turn on the Sourdillon selector switch and safety valve.
7. Check all connections for leaks via the pocket sniffer.
8. Check gas pressure indicated by the manometer.
9. If no leaks detected via pocket sniffer, turn off propane tank valve to "lock in" gas pressure.
10. Monitor manometer meniscus level for three minutes to monitor for low level leak.
11. Record results and remove valve from test; return valve to shipping box.

**VALVE TEST RESULTS**

The leak test rig is shown in **Figure 1** with valve No.6 installed. A close view of valve No.6 showing the connections to the valve during the leak test is shown in **Figure 2**. Of the 100 valves received for testing, two could not initially be tested. Valve No.13 had a damaged inlet



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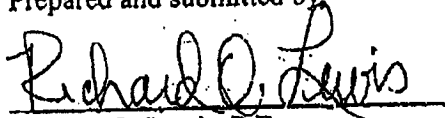
fitting which could not be satisfactorily sealed to the supply hose from the propane tank. The fitting was subsequently removed, and a new fitting installed in its place. With that modification, the valve was able to be tested. A second valve, No.99, was received without the thermocouple inlet bushing as shown in the photograph in Figure 3. In the absence of that bushing, the thermocouple simulator fitting could not be installed. As a result, valve No.99 was excluded from the test program.

Test results for the 99 total valves successfully tested are included in the table in Appendix A. Summarizing, those results are as follows:

1. Fifteen valves were found to have severe leaks detected by a comparatively rapid loss of gas pressure from the system when the propane tank valve was closed, by detection of a gas leak via the pocket sniffer, and typically by an audible indication of a gas leak.
2. Of those fifteen, valve No.12 showed evidence of soot staining suggesting having been exposed to a flash fire prior to removal during the recall program.
3. Six valves were found to have slight leaks indicated by a measurable drop in manometer meniscus level after three minutes with the system pressure isolated from the closed propane tank valve, but with no indication of a leak via the pocket sniffer.

None of the valves tested were disassembled in any way. Each was preserved in the as-received and as-tested condition. Each valve tested was photographically recorded as installed in the leak test system, and a video recording was made of the entire testing process. That information is being provided in electronic format.

Prepared and submitted by



Richard O. Lewis, P.E.

MARCH 29, 2006

**COPY**

## **APPENDIX A**

### **Sourdillon Valve Test Results and Identification Data**



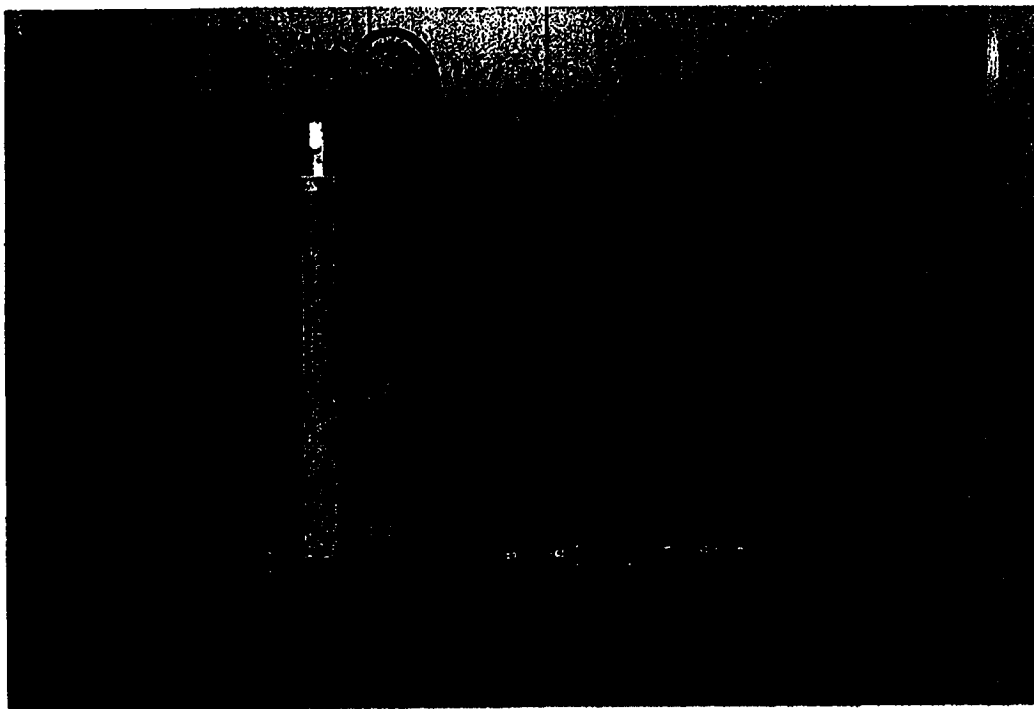
Sourdillon Valve Test					Date: October - November 2005			Test Results	
Assigned Valve ID	Refrig Serial No.	Refrig Model	Valve Year	Repair Date	No Leak	Slight By Manometer Only	Severe Leak		
1	A116688	462L	1989-41	7/22/2004	✓				
2	A114126	875EG2	1989-41	9/26/2003	✓				
3	A302182	462L	1991-36	10/8/2004	✓				
4	A100883	462L	1991-24	8/19/2003	✓				
5	29410	462L	1990-36	9/20/2003	✓				
6	A310128	462L	1991-43	11/20/2004				Sniffer detection	
7	A107112	462L	1990-36	8/11/2003		0.05in H <sub>2</sub> O in 3 min.			
8	A102293	462L	1988-48	8/19/2003	✓				
9	A107030	462L	1998-13	8/18/2003	✓				
10	A100855	452R	1990-12	8/18/2003				Sniffer detection	
11	A114518	875EG2	1990-12	8/19/2003	✓				
12	A100559	462L	1991-38	9/9/2003				Sniffer detection, suspect exposed to fire	
13	42878	462L	1991-29	8/15/2003	✓				
14	A115378	462L	1994-35	10/30/2003	✓				
15	3336	452R	1988-29	8/6/2003	✓				
16	A108544	462BK	1990-05	1/15/2004	✓				
17	A101819	462L	1988-07	8/3/2004	✓				
18	A107221	462L	1990-29	8/13/2004	✓				
19	A301337	462L	1992-03	9/24/2004	✓				
20	A100791	462L	1990-16	8/12/2003				Sniffer detection	
21	A108799	462L	1991-47	3/22/2004	✓				
22	A108957	462L	1989-45	3/25/2004		0.50in H <sub>2</sub> O in 3 min.		Sniffer Detection	
23	A101690	462L	1991-29	5/20/2004				Sniffer Detection - Lost all gas pressure	
24	A104671	462L	1994-08	8/25/2004	✓				
25	A101717	462L	1989-41	5/15/2004	✓				
26	12605	875EG2	1987-42	10/14/2003	✓				
27	A100219	462L	1993-18	9/10/2003	✓				
28	99537	462L	1993-48	9/8/2003	✓				

Assigned Valve ID	Refrig Serial No.	Refrig Model	Valve Year	Repair Date	No Leak	Slight By Manometer Only	Severe Leak
29	45596	462L	1991-29	8/12/2003	✓		
30	A111833	875EG2	1990-07	9/30/2003	✓		
31	A106169	875EG2	1991-02	8/15/2003	✓		
32	A111576	462L	1990-06	10/16/2003		0.15in H <sub>2</sub> O in 3 min.	
33	A309127	482L	1989-42	11/17/2004	✓		
34	48762	462L	1991-36	8/14/2003			Sniffer Detection Intermittent. P to 0.0 in 1.20 min.
35	A302121	462L	1990-27	9/28/2004	✓		
36	A312055	462L	1995-18	10/13/2004	✓		
37	A100843	462L	1991-24	8/15/2003	✓		
38	A101031	462L	1990-17	1/6/2003	✓		
39	A301411	462L	1992-06	10/15/2004		0.05in H <sub>2</sub> O in 3 min.	
40	A106496	875EG2	1989-42	9/30/2004	✓		
41	A111625	482L	1990-36	8/15/2003			Sniffer Detection Continuous. P to 0.0 in 1.30 min.
42	A312457	875EG2	1987-23	11/23/2004	✓		
43	A102648	462L	1990-36	9/27/2004			Sniffer Dection - Severe. P to 0.0 in 10 sec.
44	A100075	462L	1990-13	9/9/2003	✓		
45	8767	482L	1991-08	9/23/2004	✓		
46	A109554	482L	1990-06	11/6/2003			Sniffer Dection. Max P = 0.04in H <sub>2</sub> O. No capillary tube on valve.
47	10801	482L	1991-30	11/24/2003	✓		
48	A114960	482L	1990-25	9/4/2003			Sniffer Detection. P to 0.0 in 20 sec.
49	A110666	442L	1993-43	9/11/2003	✓		
50	A107383	462L	1988-35	9/25/2003	✓		
51	A117518	875EG2	1987-42	8/27/2003	✓		
52	A102935	452R	1992-06	9/8/2004	✓		
53	A115395	462L	1994-49	9/19/2003	✓		
54	A302770	462L	1991-29	11/23/2004	✓		

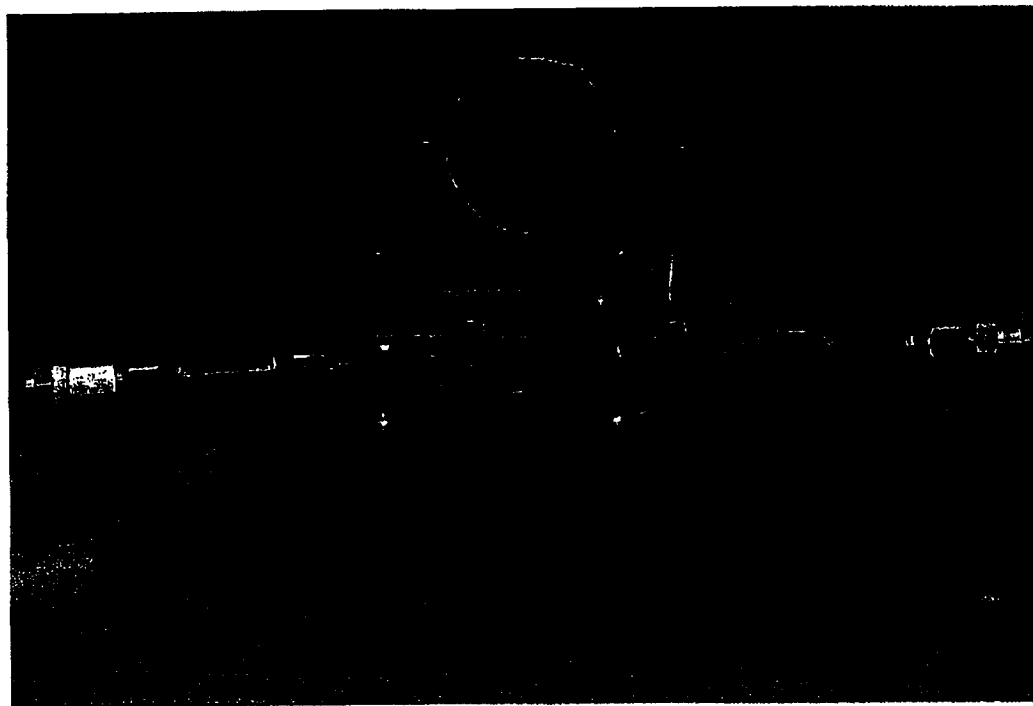
Assigned Valve ID	Refrig Serial No.	Refrig Model	Valve Year	Repair Date	No Leak	Slight By Manometer Only	Severe Leak
55	15981	482L	1991-38	10/8/2004	✓		
56	A308614	482L	1991-29	11/10/2004	✓		
57	11915	482L	1991-38	8/27/2004	✓		
58	7891	452R	1990-29	9/7/2004	✓		
59	10674	482L	1991-29	8/24/2004	✓		
60	6531	482L	1990-23	9/28/2004	✓		
61	38727	462L	1991-20	8/28/2003		0.10in H <sub>2</sub> O in 3 min.	
62	A115125	462L	1995-13	9/18/2003	✓		
63	80929	462L	1992-30	8/4/2003	✓		
64	56169	462L	1992-03	9/24/2003	✓		
65	1558	482L	1988-25	8/22/2003	✓		
66	A104253	462L	1995-13	9/30/2003	✓		
67	A100214	462L	1990-23	8/13/2003	✓		
68	A114560	452R	1991-30	6/4/2003	✓		
69	A100958	452R	1989-41	9/17/2003	✓		
70	33206	462L	1990-45	9/18/2003		0.15in H <sub>2</sub> O in 3 min.	
71	3913	482L	1989-38	8/6/2004	✓		
72	A107087	462L	1993-14	4/30/2004	✓		
73	A116685	462L	1994-20	7/26/2004			Sniffer detection
74	21437	875EG2	1990-27	12/15/2003			Sniffer detection
75	A302221	462L	1990-42	9/27/2004			Sniffer detection
76	A100713	462L	1991-29	10/23/2003	✓		
77	26658	462L	1998-26	10/27/2004	✓		
78	15636	875EG2	1988-22	9/29/2003	✓		
79	16703	482L	1992-09	10/8/2003	✓		
80	2630	452R	1988-49	9/22/2003	✓		
81	A302141	482L	1991-43	10/5/2004	✓		
82	43171	462L	1991-29	9/22/2003	✓		
83	A115124	462L	1991-36	9/18/2003	✓		

Assigned Valve ID	Refrig Serial No.	Refrig Model	Valve Year	Repair Date	No Leak	Slight By Manometer Only	Severe Leak
84	A105832	482BK	1991-45	10/8/2004	✓		
85	A104770	482L	1993-18	8/8/2004	✓		
86	A115194	462L	1988-49	10/15/2003	✓		
87	A303099	462L	1990-05	10/7/2004	✓		
88	4685	462L	1991-30	9/23/2004		0.15in H <sub>2</sub> O in 3 min.	
89	A300481	463L	1993-51	9/22/2004	✓		
90	A101051	462L	1990-36	8/17/2004	✓		
91	1223	462L	1991-29	9/24/2003	✓		
92	A300889	463L	1991-38	10/26/2004	✓		
93	A104283	462L	1992-02	12/11/2003	✓		
94	A106073	462L	1988-10	11/17/2003	✓		
95	A301580	462L	1991-23	9/10/2004	✓		
96	A312183	482L	1990-42	11/2/2004	✓		
97	A104620	482L	1990-36	8/26/2004			Max. 1in H <sub>2</sub> O across valve - sniffer detection, severe leak
98	26390	462L	1990-27	9/2/2004	✓		
99	A300247	463L	1988-35	8/13/2004	Missing thermocouple fitting - no test		
100	26686	462L	1990-29	8/28/2003	✓		

**NORCOLD/SOURDILLON GAS CONTROL VALVE STUDY**



**Figure 1.** Overall view of test rig with valve No. 6 installed.



**Figure 2.** Close view of valve No. 6 during leak test.

**NORCOLD/SOURDILLON GAS CONTROL VALVE STUDY**



**Figure 3.** Close view of valve No. 99 showing missing thermocouple inlet bushing; valve could not be leak tested.